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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 407/2018

BRIJ PAL SINGH

..... Appellant

Through: Mr.Vikas Pahwa, Sr. Adv. with
Mr.Harsh K. Sharma, Mr.Vaibhavi
Sharma, Mr.Rohit Gaur, Mr.Pulkit
Jain & Mr.Lakshya Parasher, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr.Anil Grover, SPP with
Mr.Shivesh Pal Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **23.10.2019**

Crl.M.B.577/2018 & Crl.M.A. 6299/2018

Vide the present application, the applicant/appellant seeks suspension of sentence granted by the Trial Court vide order on sentence dated 21.03.2018 whereby the applicant has been sentenced to undergo SI for a period of 3 years and a fine of ₹10 lacs for the offence under section 13(1)(e) r/w section 13(2) of Prevention of Corruption Act, 1988 and in default of payment of fine, to undergo SI for 6 months.

Learned senior counsel for the petitioner submits that the alleged total disproportionate assets were ₹10,41,000/- whereas the Trial Court has imposed fine of ₹10 lacs in addition to three years SI.

Counsel for the CBI has strongly opposed the present application and

submits that pursuant to order dated 10.04.2018 of this court, though the petitioner has deposited ₹5 lacs out of the fine amount and thereafter the matter was fixed for consideration for depositing balance 50% of the fine amount with the Trial Court.

The fact remains that the learned Trial Court vide its order dated 21.03.2018, while passing order on sentence, has suspended the sentence of the applicant and thereafter the same was extended by this court vide order dated 10.04.2018.

In view of above facts, since the total fine amount is ₹10 lacs against the disproportionate assets of ₹10,41,000/-, I hereby suspend the sentence of the applicant as the balance 50% fine amount has already been deposited by the petitioner.

Therefore, the applicant shall be remained on bail till disposal of the appeal on the same terms and conditions as imposed by the Trial Court while suspending the sentence of the applicant.

The applicant shall not involve himself in any other case and in the event of any report against him, this Court would consider the desirability of cancelling the suspension of sentence. The applicant shall also ensure his presence at the time of hearing of the appeal.

The application is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

I hereby make it clear that order of the Trial Court attaching property of the wife of the petitioner shall remain stayed and the petitioner and his wife are directed not to create any third party interest in the said property.

The application is disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

OCTOBER 23, 2019
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